

Remark

Applicants respectfully request reconsideration of this application as amended. Claims 1, 2, 14, 15 and 27 have been amended. Claims 10-13 have been canceled. Therefore, claims 1-9 and 14-29 are now presented for examination.

Drawings

The Examiner has made a great many objections to the drawings. The optical input port and the optical couplings have been deleted from the claims. References to substrate, computer and circuit card have also been deleted.

The integrated circuit is shown in Figure 2 (see paragraph 9) and by inference Figures 1 and 2. This IC may be a microprocessor as explained in paragraph 16. The switch on the IC is labeled 42 in Figures 2 and 3, the enable port is labeled 14 on Figure 1, the optical modulator is labeled 10 in Figure 1 and 60 in Figure 3.

Some of the items mentioned by the Examiner are not part of the claimed invention but are a part of the environment in which the invention operates. Accordingly, these are not shown in the drawings in order to avoid obscuring the invention. These include the communications circuitry of the IC (optical communication systems paragraph 15), the power supply.

As to blocks 54 and 62, replacement drawing sheets are enclosed herewith.

Double Patenting

The Examiner has rejected claims 20-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,649,898. The primary distinction between Claim 20 and Claim 1 of the '898 patent is that the photodetector is coupled to the light sensing device to provide received optical signals to the light sensing device, while in Claim 1, the photodetector is independent of the light sensing device.

The test for obviousness-type double patenting as described in MPEP Section 804.II.B.1 is whether the claim (Claim 20) is an obvious variation of the invention (Claim 1) claimed in the patent. In Claim 1, the light sensing device produces a sense signal which results in the optical modulator being activated. A photodetector provides signals to the modulator for demodulation. In Claim 20, a single photodetector is used to activate the optical modulator and to provide the signals for demodulation. Certainly, there is nothing in Claim 1 to motivate or suggest this.

Applicants submit that to use a single photodetector output as an input to two different circuits (switch and modulator) for two unrelated functions (activate and demodulate) is far from an obvious variation. There are also obstacles to doing this because the optical data signal may not be suitable as an activation signal (see e.g. slow transistor 42). Accordingly, Applicants request that this rejection be withdrawn.

35 U.S.C. §112 Rejection,

The Examiner has rejected claims 1-9 and 27-29 under 35 U.S.C. 112, second paragraph, as being indefinite. With respect to Claim 1, the "optically coupled"

terminology has been deleted. With respect to Claim 27, references to "substrate" have been deleted from the claim and antecedent basis has been provided for "the light sensing subcircuit."

35 U.S.C. §102 Rejection,

Chirovsky et al.

The Examiner has rejected claims 1-5, 7-10, 12-19 and 27-29 under 35 U.S.C. § 102 (b) as being anticipated by Chirovsky et al., U.S. Patent No. 5,581,077 ("Chirovsky"). Chirovsky shows an optical receiver which in Figure 4 has "a substantial plurality of optical detectors 410" and a group of "line driver circuits" labeled as optical modulators that are apparently coupled through a microprocessor. The Examiner suggests that the microprocessor activates a line driver in response to light being detected at an optical detector.

Applicants are unable to find any suggestion in Chirovsky that the line drivers are ever deactivated or activated at all. By contrast, Chirovsky recites that the "digital circuitry 425 processes the incoming data and provides a plurality of output signals on output lines 430..." "The output signals are provided to line drivers 435. The line drivers 435 then prepare and transmit the outgoing signals by known techniques." Col. 7, lines 21-29. Chirovsky's Figure 4 device acts as a switching matrix between optical inputs and the optical modulators (line drivers). By line driver, Chirovsky means a "device used to increase transmission distance by amplifying a signal before placing it on the line or passing it along the line." (Microsoft Computer Dictionary 4th Ed.)

The Examiner refers to Col. 6, lines 50-52 of Chirovsky, however, this section states only that the microprocessor is coupled to the line drivers. There is nothing in this section nor any other to suggest that the microprocessor plays any role in activating or deactivating the line drivers nor that the line drivers are anything other than always activated. Claim 1 recites "to activate the optic function subcircuit when light is sensed" and Applicants find no such teaching or suggestion in the reference. Accordingly, Claim 1 is believed to be allowable over the reference.

Claim 3, 4 and 8 refer to activating by being powered. Claim 7 refers to activating by enabling an input. Claim 9 refers to activating with a clock input. None of these specific details are suggested in the reference. Accordingly, these claims are also believed to be allowable.

All of the other pending claims contain a limitation similar to that described above with respect to Claim 1 and are believed to be allowable for at least the reasons discussed above.

35 U.S.C. §103 Rejection,

Chirovsky in view of Embree

The Examiner has rejected claims 6 and 11 under 35 U.S.C. § 103 (a) as being unpatentable over Chirovsky in view of Embree et al., U.S. Patent No. 5,903,190 ("Embree"). Embree also fails to teach or suggest a limitation similar to "to activate the optic function subcircuit when light is sensed." Accordingly, Claim 6 is also believed to be allowable. Claim 11 is canceled.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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